

1 Performance Based Hazard Reduction, 2006

2 Proposed Rule Language for 45 Day Notice

3 Published August 26, 2005

4
5 **Adopt: 957 Hazard Reduction [Southern Forest District]**

6 In the Southern Forest District, the plan submitter may apply
7 either the general hazard reduction rules under 14 CCR § 957.2 through
8 957.8 or the following performance based rules under 14 CCR § 957.11
9 through 957.12. The application of performance based rules shall be
10 at the discretion of the plan submitter. The plan shall specify
11 whether the performance based rules apply or whether the general rules
12 apply. The performance based rules shall expire December 31, 2009.

13
14 **Adopt: 957.11 Performance Based Hazard Reduction**

15 The purpose of these rules is to:

16 (a) provide a level of fire and pest protection to property and
17 resources that meets or exceeds the intent of protection provided
18 under 14 CCR § 957 through 957.8.

19 (b) provide for the treatment of snags and logging slash in order
20 to reduce fire and pest safety hazards in the logging area, to protect
21 such area from potential insect and disease attack, and to prepare the
22 area for natural or artificial reforestation while retaining wildlife
23 habitat and protection of the beneficial uses of water.

24 (c) provide direction to RPFs preparing plans which, for the
25 purposes of this section, include THPs, MTHPs, NTMPs, PTEIRs, Notices

1 of Emergency Timber Operations except 14 CCR § 1052.4, and any
2 Exemptions Notices pursuant to 14 CCR §§ 1038 and 1104.1 except
3 1038(i),

4 (d) provide direction to the timber operator conducting timber
5 operations,

6 (e) provide direction to the Department in its review, approval,
7 inspection and monitoring programs.

8
9 **Adopt: 957.12 Treatment of Logging Slash to Reduce Fire Hazard**

10 The following shall apply to the treatment of slash created by
11 timber operations within the plan area and on roads adjacent to the
12 plan area, but excluding appurtenant roads.

13 (a) The RPF preparing the plan shall include a description of all
14 slash treatments to be utilized and the portion(s) of the plan area in
15 which each will be utilized. In proposing slash treatments, the RPF
16 shall consider the estimated amount and distribution of slash to be
17 created by the operation, type of remaining vegetation, topography,
18 climate, and degree of public exposure fire history.

19 At a minimum, the plan shall address the following:

20 (1) The timing of treatment application including the time
21 during which burning shall be accomplished.

22 (2) The necessary precautions to be employed to confine the
23 burning to the piled slash or the area proposed for broadcast burning.

24 (3) The necessary precautions to be employed to protect
25 other resources such as wildlife and the beneficial uses of water.

1 (4) The treatment of slash adjacent to the edge of the
2 traveled surface of public roads and permanent and seasonal private
3 roads open for public use where permission to pass is not required

4 (5) The treatment of slash adjacent to permanently located
5 structures maintained for human habitation.

6 (b) Treatment shall be conducted in accordance with the
7 following:

8 (1) Burning shall be done at a safe time only after the
9 heavy fall rains and shall be completed before the start of fire
10 season in the area and according to laws and regulations, including
11 air quality requirements.

12 (2) Piles and concentrations shall be sufficiently free of
13 soil and other noncombustible material for effective burning.

14 (3) Piles and concentrations that fail to burn sufficiently
15 to remove the fire hazard shall be further treated to eliminate that
16 hazard.

17 (4) Slash burning operations and fire hazard abatement
18 operations shall be conducted in a manner which will not damage
19 residual trees and reproduction to the extent that they will not
20 qualify to meet the silvicultural and stocking requirements of the
21 rules.

22 (5) In order to determine whether the plan conforms with
23 the Act and the Rules of the Board, the Director may request and the
24 RPF shall supply the information the RPF considered under 14 CCR §
25 917.12(a) regarding the estimated amount and distribution of slash to

1 be created by the operation, type of remaining vegetation, topography,
2 climate, and degree of public exposure fire history.

3 (6) Where unusual fire risk or hazard exists as determined
4 by the Director or the RPF, the Director may require the timberland
5 owner to obtain a project-type burning permit prior to burning and the
6 terms of the permit shall be adhered to while burning.

7 (7) The local representative of the Director shall be
8 notified in advance of the time and place of any burning of logging
9 slash. Any burning shall be done in the manner provided by Law.

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11 Note: Authority cited: Sections 4551 and 4562, Public Resources Code.

12 Reference: Sections 4523,4513,4551.5 and 4562.